

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

ADAMS COUNTY SHERIFF'S
OFFICE and ADAMS COUNTY,

Defendants.

No. 2:25-cv-99

ANSWER OF DEFENDANT
ADAMS COUNTY TO
PLAINTIFF'S COMPLAINT

Defendant Adams County, by and through counsel, answer Plaintiff's Complaint, Doc. 1-2, as follows:

1.1 Defendant admits that in 2019 the Washington legislature enacted S.B. 5497, which the Complaint refers to as the "Keep Washington Working Act." Defendant otherwise states that the statute and records of legislators' votes speak for themselves and are the best evidence of their contents; to the extent that the characterization in Paragraph 1.1 differs from this best evidence, that characterization is denied. Defendant lacks sufficient information to respond to

1 allegations regarding the motivations of lawmakers or to the remaining allegations in
2 Paragraph 1.1; thus they are deemed denied.

3 1.2 The allegations in the first clause of Paragraph 1.2 contain legal
4 conclusions and questions of law which require no response. Defendant lacks
5 sufficient information to respond to the allegations in the second clause of Paragraph
6 1.2; to the extent a response is required, the allegations in the second clause of
7 Paragraph 1.2 are denied.

8 1.3 The allegations in Paragraph 1.3 contain legal conclusions and questions
9 of law which require no answer.

10 1.4 The allegations in Paragraph 1.4 contain legal conclusions and questions
11 of law which require no answer. To the extent an answer is required, Defendant
12 admits Plaintiff has accurately quoted a portion of Laws of 2019, ch. 440 § 1(3).
13 Defendant otherwise states that the statute speaks for itself and is the best evidence
14 of its contents; to the extent that the characterization in Paragraph 1.4 differs from
15 this best evidence, that characterization is denied. The remaining allegations in
16 Paragraph 1.4 are denied.

17 1.5 The allegations in Paragraph 1.5 contain legal conclusions and questions
18 of law which require no answer. To the extent that Plaintiff characterizes the state
19 law, Defendant states that the law speaks for itself and is the best evidence of its
20 contents; to the extent that the characterization in Paragraph 1.5 differs from this
21 best evidence, that characterization is denied. To the extent an answer is required,
22 the remaining allegations in Paragraph 1.5 are denied.

1 1.6 The allegations in Paragraph 1.6 contain legal conclusions and questions
2 of law which require no answer. To the extent an answer is required, Defendant
3 denies that it has failed to comply with the so-called Keep Washington Working Act
4 as the law is correctly interpreted in relation to federal law. Defendant lacks
5 sufficient information to respond to the remaining allegations in Paragraph 1.6; thus
6 they are deemed denied.

7 1.7 The allegations in Paragraph 1.7 contain legal conclusions and questions
8 of law which require no answer. To the extent an answer is required, Defendant
9 denies that it has failed to follow state law as the law is correctly interpreted in
10 relation to federal law. Defendant admits that Defendant was in good faith
11 attempting to resolve the disagreement with the Washington Attorney General's
12 Office without litigation but denies that Defendant stopped attempting to do so in
13 late 2024. Defendant lacks sufficient information to respond regarding the intentions
14 of the Washington Attorney General's Office; thus such allegations are deemed
15 denied. The remaining allegations in Paragraph 1.7 are denied.

16 1.8 Defendant denies that "the inauguration of President Donald Trump
17 in January 2025 changed things" for Defendant and denies that Defendant has failed
18 to comply with the so-called Keep Washington Working Act as the state law is
19 correctly interpreted in relation to federal law. Defendant has known since
20 November 2024 that Donald Trump had won the 2024 presidential election. The
21 Washington Attorney General's Office waited until after the election to threaten to
22 sue Defendant and in January 2025 proposed the consent decree that Defendant
23 responded regarding in the February 20, 2025 letter. That letter speaks for itself and

1 is the best evidence of its contents; to the extent that the characterization in
2 Paragraph 1.8 differs from this best evidence, that characterization is denied. The
3 remaining allegations in Paragraph 1.8 are denied.

4 1.9 The allegations in Paragraph 1.9 contain legal conclusions and questions
5 of law which require no answer. To the extent an answer to the second sentence is
6 required, Defendant denies that it has violated the so-called Keep Washington
7 Working Act as the law is correctly interpreted in relation to federal law.

8 1.10 Defendant admits that it is working with America First Legal
9 Foundation to protect Defendant's legal interests. Defendant denies that it has "new
10 resistance to KWW" and that it has "signaled" such purported "new resistance"
11 by working with America First Legal Foundation. Defendant admits America First
12 Legal Foundation is a nonprofit organization founded by Stephen Miller, who now
13 serves his country as White House Deputy Chief of Staff for Policy and as the
14 Assistant to the President for Homeland Security. To the extent that Plaintiff
15 characterizes unidentified statements purportedly of Stephen Miller, Defendant
16 states that Stephen Miller's statements are the best evidence of their contents; to
17 the extent that the characterization in Paragraph 1.10 differs from this best evidence,
18 that characterization is denied. To the extent an answer is required, Defendant
19 denies that Stephen Miller "has repeated white nationalist talking points."
20 Defendant lacks sufficient information to respond regarding the remaining
21 allegations in Paragraph 1.10; thus they are deemed denied.

22 1.11 Defendant states that America First Legal's press release, social media
23 postings, and website speak for themselves and are the best evidence of their

1 contents; to the extent that the characterization in Paragraph 1.11 differs from this
2 best evidence, that characterization is denied.

3 1.12 The allegations in Paragraph 1.12 contain legal conclusions and
4 questions of law which require no answer. To the extent an answer is required,
5 Defendant denies that the Court should intervene here to grant the relief Plaintiff
6 seeks and denies that Plaintiff has an obligation to sue Defendants. Defendant denies
7 that it is “breaking state law” and denies that Defendant is putting its own
8 community at risk. Defendant denies that it is violating the so-called Keep
9 Washington Working Act as the law is correctly interpreted in relation to federal law.
10 The remaining allegations in Paragraph 1.12 are denied.

11 2.1 Defendant admits that Plaintiff is the State of Washington. The second
12 sentence in Paragraph 2.1 contains legal conclusions and questions of law which
13 require no answer.

14 2.2 The allegations in Paragraph 2.2 contain legal conclusions and
15 questions of law which require no answer.

16 2.3 The allegations in Paragraph 2.3 contain legal conclusions and
17 questions of law which require no answer.

18 2.4 The allegations in Paragraph 2.4 contain legal conclusions and
19 questions of law which require no answer.

20 2.5 The allegations in Paragraph 2.5 contain legal conclusions and
21 questions of law which require no answer. To the extent an answer is required,
22 Defendant Adams County is a county of the State of Washington.
23

1 2.6 The allegations in Paragraph 2.6 contain legal conclusions and
2 questions of law which require no answer. To the extent an answer is required, the
3 Adams County Sheriff's Office cannot be sued pursuant to RCW 36.28.010.
4 Defendant admits that the citizens of Adams County elected Sheriff Dale Wagner to
5 serve as the Sheriff of Adams County.

6 3.1 The allegations in Paragraph 3.1 contain legal conclusions and questions
7 of law which require no answer. To the extent an answer is required, Defendants
8 have removed this case to the U.S. District Court for the Eastern District of
9 Washington. Defendant does not contest the Court's jurisdiction to hear the claim
10 Plaintiff brings against Defendant but denies that Plaintiff is entitled to, or that this
11 Court may grant, the relief sought.

12 3.2 The allegations in Paragraph 3.2 contain legal conclusions and
13 questions of law which require no answer. To the extent an answer is required,
14 Defendants have removed this case to the U.S. District Court for the Eastern District
15 of Washington. Defendant does not contest that venue is proper in this Court but
16 denies that Plaintiff is entitled to, or that this Court may grant, the relief sought.

17 4.1 The allegations in Paragraph 4.1 contain legal conclusions and questions
18 of law which require no answer. To the extent an answer is required, Defendant
19 states that the state and federal statutes speak for themselves and are the best
20 evidence of their contents; to the extent that the characterization in Paragraph 4.1
21 differs from this best evidence, that characterization is denied. Congress has enacted
22 several different Civil Rights Acts, but Defendant admits that Congress enacted a
23 Civil Rights Act in 1964.

1 4.2 The allegations in Paragraph 4.2 contain legal conclusions and
2 questions of law which require no answer. To the extent an answer is required,
3 Defendant states that the laws speak for themselves and are the best evidence of their
4 contents; to the extent that the characterization in Paragraph 4.2 differs from this
5 best evidence, that characterization is denied.

6 4.3 The allegations in Paragraph 4.3 contain legal conclusions and
7 questions of law which require no answer. To the extent an answer is required,
8 Defendant admits Plaintiff has accurately quoted a portion of Laws of 2019, ch. 440
9 § 1(3). Defendant otherwise states that the statute speaks for itself and is the best
10 evidence of its contents; to the extent that the characterization in Paragraph 4.3
11 differs from this best evidence, that characterization is denied. The remaining
12 allegations in Paragraph 4.3 are denied.

13 4.4 The allegations in Paragraph 4.4 contain legal conclusions and
14 questions of law which require no answer. To the extent an answer is required, the
15 statute and report of the U.S. Department of Agriculture speak for themselves and
16 are the best evidence of their contents; to the extent that the characterization in
17 Paragraph 4.4 differs from this best evidence, that characterization is denied. The
18 remaining allegations in Paragraph 4.4 are denied. Defendant lacks sufficient
19 information to respond regarding the remaining allegations in Paragraph 4.4; thus
20 they are deemed denied.

21 4.5 The allegations in Paragraph 4.5 contain legal conclusions and
22 questions of law which require no answer. To the extent an answer is required, the
23 report and article speak for themselves and are the best evidence of their contents;

1 to the extent that the characterization in Paragraph 4.5 differs from this best
2 evidence, that characterization is denied. Defendant lacks sufficient information to
3 respond regarding the remaining allegations in Paragraph 4.5; thus they are deemed
4 denied.

5 4.6 The allegations in Paragraph 4.6 contain legal conclusions and
6 questions of law which require no answer. To the extent an answer is required, the
7 profiles and report speak for themselves and are the best evidence of their contents;
8 to the extent that the characterization in Paragraph 4.6 differs from this best
9 evidence, that characterization is denied. Defendant denies that the “economic
10 arguments in favor of compliance with KWW carry particular force in Adams
11 County.” Defendant lacks sufficient information to respond regarding the remaining
12 allegations in Paragraph 4.6; thus they are deemed denied.

13 4.7 The allegations in Paragraph 4.7 contain legal conclusions and
14 questions of law which require no answer. To the extent an answer is required, the
15 census report speaks for itself and is the best evidence of its contents; to the extent
16 that the characterization in Paragraph 4.7 differs from this best evidence, that
17 characterization is denied. Defendant denies that residents of Adams County
18 “deserve the protections afforded by KWW so that they too may live and work with
19 dignity.” Defendant lacks sufficient information to respond regarding the remaining
20 allegations in Paragraph 4.7; thus they are deemed denied.

21 4.8 The allegations in Paragraph 4.8 contain legal conclusions and
22 questions of law which require no answer.
23

1 4.9 The allegations in Paragraph 4.9 contain legal conclusions and
2 questions of law which require no answer. To the extent an answer is required,
3 Defendant lacks sufficient information to respond regarding the remaining
4 allegations in Paragraph 4.9; thus they are deemed denied.

5 4.10 The allegations in Paragraph 4.10 contain legal conclusions and
6 questions of law which require no answer. To the extent an answer is required, the
7 reports speak for themselves and are the best evidence of their contents; to the extent
8 the characterization in Paragraph 4.10 differs from this best evidence, that
9 characterization is denied. Defendant lacks sufficient information to respond
10 regarding the remaining allegations in Paragraph 4.10; thus they are deemed denied.

11 4.11 The allegations in Paragraph 4.11 contain legal conclusions and
12 questions of law which require no answer. To the extent an answer is required, the
13 filings speak for themselves and are the best evidence of their contents; to the extent
14 the characterization in Paragraph 4.11 differs from this best evidence, that
15 characterization is denied. Defendant lacks sufficient information to respond
16 regarding the remaining allegations in Paragraph 4.11; thus they are deemed denied.

17 4.12 The allegations in Paragraph 4.12 contain legal conclusions and
18 questions of law which require no answer. To the extent an answer is required, the
19 filings in that case speak for themselves and are the best evidence of their contents;
20 to the extent the characterization in Paragraph 4.12 differs from this best evidence,
21 that characterization is denied. Defendant lacks sufficient information to respond
22 regarding the remaining allegations in Paragraph 4.12; thus they are deemed denied.

23

1 4.13 The allegations in Paragraph 4.13 contain legal conclusions and
2 questions of law which require no answer. To the extent an answer is required,
3 Defendant denies that obstructing federal immigration enforcement efforts “is
4 essential for maintaining public safety” and denies that coordination with federal
5 immigration authorities “puts crime victims and witnesses” in an “untenable
6 position.” Defendant lacks sufficient information to respond to the remaining
7 allegations in Paragraph 4.13; thus they are deemed denied.

8 4.14 Defendant states that the statement of the Washington Association of
9 Sheriffs and Police Chiefs speaks for itself and is the best evidence of its contents; to
10 the extent the characterization in Paragraph 4.14 differs from this best evidence, that
11 characterization is denied. Defendant lacks sufficient information to respond
12 regarding the remaining allegations in Paragraph 4.14; thus they are deemed denied.

13 4.15 Defendant states that the emails from other sheriffs speak for
14 themselves and are the best evidence of their contents; to the extent the
15 characterization in Paragraph 4.15 differs from this best evidence, that
16 characterization is denied.

17 4.16 Defendant states that the emails from other sheriffs speak for
18 themselves and are the best evidence of their contents; to the extent the
19 characterization in Paragraph 4.16 differs from this best evidence, that
20 characterization is denied. Defendant denies that cooperating with federal
21 immigration enforcement efforts “undermines efforts to build community trust.”
22
23

1 4.17 Defendant states that the letter from the other sheriff speaks for itself
2 and is the best evidence of its contents; to the extent the characterization in
3 Paragraph 4.17 differs from this best evidence, that characterization is denied.

4 4.18 Defendant states that the statement from the other sheriff speaks for
5 itself and is the best evidence of its contents; to the extent the characterization in
6 Paragraph 4.18 differs from this best evidence, that characterization is denied.
7 Defendant denies that obstructing federal immigration enforcement efforts helps
8 “to keep the community safe.”

9 4.19 Defendant states that the declaration from the other sheriff speaks for
10 itself and is the best evidence of its contents; to the extent the characterization in
11 Paragraph 4.19 differs from this best evidence, that characterization is denied.

12 4.20 Defendant states that the declaration of the prosecutor speaks for itself
13 and is the best evidence of its contents; to the extent the characterization in
14 Paragraph 4.20 differs from this best evidence, that characterization is denied. The
15 remaining allegations in Paragraph 4.20 are denied.

16 4.21 The allegations in Paragraph 4.21 contain legal conclusions and
17 questions of law which require no answer. To the extent a response is required,
18 Defendant admits that Plaintiff has accurately quoted a portion of RCW
19 10.93.160(2). Defendant states that the statute speaks for itself and is the best
20 evidence of its contents; to the extent the characterization in Paragraph 4.21 differs
21 from this best evidence, that characterization is denied. The remaining allegations in
22 Paragraph 4.21 are denied.

1 4.22 The allegations in Paragraph 4.22 contain legal conclusions and
2 questions of law which require no answer. To the extent a response is required,
3 Defendant states that the statutes speak for themselves and are the best evidence of
4 their contents; to the extent the characterization in Paragraph 4.22 differs from this
5 best evidence, that characterization is denied. The remaining allegations in
6 Paragraph 4.22 are denied.

7 4.23 The allegations in Paragraph 4.23 contain legal conclusions and
8 questions of law which require no answer.

9 4.24 The allegation in Paragraph 4.24 contains legal conclusions and
10 questions of law which require no answer.

11 4.25 The allegations in Paragraph 4.25 contain legal conclusions and
12 questions of law which require no answer. To the extent a response is required,
13 Defendant states that the statute speaks for itself and is the best evidence of its
14 contents; to the extent the characterization in Paragraph 4.25 differs from this best
15 evidence, that characterization is denied.

16 4.26 The allegations in Paragraph 4.26 contain legal conclusions and
17 questions of law which require no answer. To the extent a response is required,
18 Defendant states that the statutes speak for themselves and are the best evidence of
19 their contents; to the extent the characterization in Paragraph 4.26 differs from this
20 best evidence, that characterization is denied.

21 4.27 The allegations in Paragraph 4.27 contain legal conclusions and
22 questions of law which require no answer. To the extent a response is required,
23 Defendant states that the statutes speak for themselves and are the best evidence of

1 their contents; to the extent the characterization in Paragraph 4.27 differs from this
2 best evidence, that characterization is denied. Further, Defendant reserves the right
3 to argue that the cited opinions, or Plaintiff's understanding of those opinions, are
4 inconsistent with federal law, including 8 U.S.C. § 1373.

5 4.28 The allegations in Paragraph 4.28 contain legal conclusions and
6 questions of law which require no answer. To the extent a response is required,
7 Defendant states that the statutes speak for themselves and are the best evidence of
8 their contents; to the extent the characterization in Paragraph 4.28 differs from this
9 best evidence, that characterization is denied. The remaining allegations in
10 Paragraph 4.28 are denied.

11 4.29 The allegations in Paragraph 4.29 contain legal conclusions and
12 questions of law which require no answer. To the extent a response is required,
13 Defendant states that the statutes speak for themselves and are the best evidence of
14 their contents; to the extent the characterization in Paragraph 4.29 differs from this
15 best evidence, that characterization is denied. The remaining allegations in
16 Paragraph 4.29 are denied.

17 4.30 The allegations in Paragraph 4.30 contain legal conclusions and
18 questions of law which require no answer. To the extent a response is required,
19 Defendant admits that Plaintiff has accurately quoted a portion of RCW 43.10.315.
20 Defendant states that the statute speaks for itself and is the best evidence of its
21 contents; to the extent the characterization in Paragraph 4.30 differs from this best
22 evidence, that characterization is denied. The remaining allegations in Paragraph
23 4.30 are denied.

1 4.31 Defendant admits that the Washington Attorney General's Office
2 published model policies and guidance in 2020. The remaining allegations in
3 Paragraph 4.31 are denied.

4 4.32 Defendant denies that the Washington Attorney General's Office has
5 "obtained the jurisdiction's voluntary compliance with KWW without the need for
6 litigation." The Washington Attorney General's Office threatened to sue Defendant
7 in both November 2024 and January 2025 as part of the Office's "engagement" with
8 Defendant. The Washington Attorney General's Office proposed suing Defendant
9 even if Defendant would have acceded to the Office's demands. Defendant lacks
10 sufficient information to respond to allegations in Paragraph 4.32 regarding dialogues
11 with local officials elsewhere in the State and regarding the motivations of the
12 Attorney General's Office; thus they are deemed denied.

13 4.33 The allegations in Paragraph 4.33 contain legal conclusions and
14 questions of law which require no answer. To the extent an answer is required,
15 Defendant denies that the Washington Attorney General's Office took a
16 "collaborative approach" in all its interactions with Defendant and denies that
17 Defendant has violated the statute as the law is correctly interpreted in relation to
18 federal law. Defendant admits that the Attorney General's Office sent a letter to
19 Sheriff Dale Wagner around November 2022. Defendant states that the letter speaks
20 for itself and is the best evidence of its contents; to the extent the characterization in
21 Paragraph 4.33 differs from this best evidence, that characterization is denied.

22 4.34 The allegations in Paragraph 4.34 contain legal conclusions and
23 questions of law which require no answer. To the extent an answer is required,

1 Defendant denies that it has violated the statute as the law is correctly interpreted in
2 relation to federal law. As Plaintiff does not identify the specific incidents, Defendant
3 lacks sufficient information to respond to allegations in Paragraph 4.34 regarding the
4 various incidents from May 2019 to January 2022; thus they are deemed denied.
5 Defendant denies that all of the information listed in Paragraph 4.34 is “nonpublic”
6 and denies that none of the information from May 2019 to January 2022 was “in
7 relation to any criminal matter.” The manual and the Adams County Commission
8 minutes speak for themselves and are the best evidence of their contents; to the
9 extent the characterization in Paragraph 4.34 differs from this best evidence, that
10 characterization is denied. Defendant denies that the Washington Attorney
11 General’s Office was not aware of this policy and its contents.

12 4.35 The allegations in Paragraph 4.35 contain legal conclusions and
13 questions of law which require no answer. To the extent an answer is required,
14 Defendant denies that it has violated the statute as the law is correctly interpreted in
15 relation to public law. Defendant admits that Adams County Prosecutor Randy
16 Flyckt met with counsel from the Washington Attorney General’s Office in Ritzville
17 on January 12, 2023.

18 4.36 The allegations in Paragraph 4.36 contain legal conclusions and
19 questions of law which require no answer. To the extent an answer is required,
20 Defendant denies that it has violated the statute as the law is correctly interpreted in
21 relation to federal law. The letter speaks for itself and is the best evidence of its
22 contents; to the extent the characterization in Paragraph 4.36 differs from this best
23 evidence, that characterization is denied. The letter does not state that the

1 Washington Attorney General's Office had a "strong desire to work cooperatively
2 with the Sheriff's Office." Nor did the letter cite "the State's statutory authority to
3 engage in litigation if necessary."

4 4.37 The allegations in Paragraph 4.37 contain legal conclusions and
5 questions of law which require no answer. To the extent an answer is required,
6 Defendant denies that it has violated the statute as the law is correctly interpreted in
7 relation to federal law. Defendant lacks sufficient information to respond regarding
8 the remaining allegations in Paragraph 4.37; thus they are deemed denied.

9 4.38 The allegations in Paragraph 4.38 contain legal conclusions and
10 questions of law which require no answer. To the extent an answer is required,
11 Defendant denies that it has violated the statute as the law is correctly interpreted in
12 relation to federal law. Normal practice is to drive prisoners from the Franklin
13 County Jail back to Ritzville for the prisoners' release in Adams County, as required
14 by the County's agreement with the Franklin County Sheriff. Defendant lacks
15 sufficient information to respond regarding the remaining allegations in Paragraph
16 4.38; thus they are deemed denied.

17 4.39 The allegations in Paragraph 4.39 contain legal conclusions and
18 questions of law which require no answer. To the extent an answer is required,
19 Defendant denies that it has violated the statute as the law is correctly interpreted in
20 relation to federal law. Defendant admits that the alleged events in the cited filings
21 purportedly took place in March 2023, nearly four years after the so-called Keep
22 Washington Working Act went effect but more than two years ago from today.
23

1 Defendant lacks sufficient information to respond regarding the remaining
2 allegations in Paragraph 4.39; thus they are deemed denied.

3 4.40 The allegations in Paragraph 4.40 contain legal conclusions and
4 questions of law which require no answer. To the extent an answer is required,
5 Defendant denies that it has violated the statute as the law is correctly interpreted in
6 relation to federal law. Defendant admits that Prosecutor Flyckt met remotely with
7 counsel for the Washington Attorney General's Office on April 6, 2023, but denies
8 that the allegations in Paragraph 4.40 represent exactly what was discussed.

9 4.41 The allegations in Paragraph 4.41 contain legal conclusions and
10 questions of law which require no answer. To the extent an answer is required,
11 Defendant denies that it has violated the statute as the law is correctly interpreted in
12 relation to federal law. Defendant admits that the Washington Attorney General's
13 Office submitted a public records request but denies that sharing such public records
14 would constitute a violation of the law. The remaining allegations in Paragraph 4.41
15 are denied.

16 4.42 The allegations in Paragraph 4.42 contain legal conclusions and
17 questions of law which require no answer. To the extent an answer is required,
18 Defendant states that the letter speaks for itself and is the best evidence of its
19 contents; to the extent the characterization in Paragraph 4.42 differs from this best
20 evidence, that characterization is denied. Defendant denies that all the information
21 Plaintiff claims is "nonpublic" is truly nonpublic. Defendant denies that it has
22 violated the statute as it is correctly interpreted in relation to federal law.
23

1 4.43 Defendant admits that the counsel for the Washington Attorney
2 General's Office had another call with Prosecutor Flyckt on October 26, 2023.
3 Defendant denies that the allegations in Paragraph 4.43 describe exactly what was
4 discussed.

5 4.44 Defendant admits that the Policy Manual was updated in December
6 2023. Defendant lacks sufficient information to respond to the remaining allegations
7 in Paragraph 4.44; thus they are deemed denied.

8 4.45 The allegations in Paragraph 4.45 contain legal conclusions and
9 questions of law which require no answer. To the extent an answer is required,
10 Defendant denies Plaintiff's allegation of "intransigence." The Washington
11 Attorney General's Office had not engaged with Defendant on this issue in over a
12 year before it threatened to sue Defendant on November 26, 2024, mere weeks after
13 Donald Trump won the 2024 presidential election. Defendant denies violating the
14 statute as the law is correctly interpreted in relation to federal law.

15 4.46 The allegations in Paragraph 4.46 contain legal conclusions and
16 questions of law which require no answer. To the extent an answer is required, the
17 Washington Attorney General's Office did not offer a "voluntary resolution." The
18 Attorney General's Office sought to sue Defendant and impose a pre-ordained
19 consent decree drafted by the Attorney General's Office. Defendant denies violating
20 the statute as the law is correctly interpreted in relation to federal law.

21 4.47 The Washington Attorney General's Office did not "send a proposed
22 agreement." The Attorney General's Office instead sent a consent decree for a court
23 to enter upon the State of Washington suing Defendant. Defendant admits it was

1 open to settlement without litigation and reiterated that desire in the February 20,
2 2025 letter.

3 4.48 The allegations in Paragraph 4.48 contain legal conclusions and
4 questions of law which require no answer. To the extent an answer is required,
5 Defendant denies that President Trump kept it a “secret” until his inauguration on
6 January 20, 2025, that he planned to reduce immigration and thus protect
7 Americans. Defendant denies that President Trump has restricted immigrants’
8 “rights” or interfered “with states’ sovereign rights.” Defendant admits that
9 President Trump issued Executive Order 14,159 on January 20, 2025, titled
10 “Protecting the American People Against Invasion.”

11 4.49 Defendant states that the Executive Order speaks for itself and is the
12 best evidence of its contents; to the extent the characterization in Paragraph 4.49
13 differs from this best evidence, that characterization is denied.

14 4.50 Defendant admits that on January 21, 2025, the U.S. Department of
15 Justice’s Acting Deputy Attorney General issued a memorandum titled “Interim
16 Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement.”
17 Defendant states that the memorandum speaks for itself and is the best evidence of
18 its contents; to the extent the characterization in Paragraph 4.50 differs from this
19 best evidence, that characterization is denied.

20 4.51 The allegations in Paragraph 4.51 contain legal conclusions and
21 questions of law which require no answer. To the extent an answer is required,
22 Defendant denies violating the statute as the law is correctly interpreted in relation
23 to federal law. Defendant denies Plaintiff’s insinuation that Defendant had been

1 hiding for “more than two years” Defendant’s concern that “complying with the
2 injunctive provisions of the consent decree could violate federal law or expose the
3 County to federal criminal liability.” The Washington Attorney General’s Office did
4 not propose the consent decree and provide its terms to Defendant until January 7,
5 2025. Nor was the discussion in late January the “seventh discussion” focusing on
6 the proposed settlement. The Washington Attorney General’s Office did not
7 propose the complaint for injunctive and declaratory relief until November 26, 2024,
8 and did not propose the consent decree until January 7, 2025. Defendant admits that
9 Joel Ard was appointed in February 2025 to serve as special deputy prosecutor.
10 Defendant denies that it was no longer interested in resolving the dispute without
11 litigation.

12 4.52 Defendant admits that Special Deputy Prosecutor Joel Ard sent a letter
13 to the Washington Attorney General’s Office on February 20, 2025. Defendant
14 states that the letter speaks for itself and is the best evidence of its contents; to the
15 extent the characterization in Paragraph 4.52 differs from this best evidence, that
16 characterization is denied.

17 4.53 The allegations in Paragraph 4.53 contain legal conclusions and
18 questions of law which require no answer. To the extent an answer is required,
19 Defendant states that the letter speaks for itself and is the best evidence of its
20 contents; to the extent the characterization in Paragraph 4.53 differs from this best
21 evidence, that characterization is denied. Defendant denies that Defendant did not
22 express concern about conflict with federal law or until the February 20, 2025 letter
23

1 and denies that the concern about impeding federal immigration enforcement is
2 “baseless.”

3 4.54 The allegations in Paragraph 4.54 contain legal conclusions and
4 questions of law which require no answer. To the extent an answer is required,
5 Defendant states that the letter speaks for itself and is the best evidence of its
6 contents; to the extent the characterization in Paragraph 4.54 differs from this best
7 evidence, that characterization is denied.

8 4.55 The allegations in Paragraph 4.55 contain legal conclusions and
9 questions of law which require no answer. To the extent an answer is required,
10 Defendant played no role in drafting and did not approve the statement of WASPC.
11 The WASPC statement represents the views of WASPC and not the views of
12 Defendant or Sheriff Wagner, despite Sheriff Wagner’s membership in the
13 association. The WASPC statement speaks for itself and is the best evidence of its
14 contents; to the extent the characterization in Paragraph 4.55 differs from this best
15 evidence, that characterization is denied.

16 4.56 The allegations in Paragraph 4.56 contain legal conclusions and
17 questions of law which require no answer. To the extent an answer is required,
18 Defendant denies the allegations in the first sentence. Defendant denies that the
19 “accompanying post repeats the same incorrect statements that appear in the
20 County’s letter” because the statements Plaintiff contends are incorrect are in fact
21 correct. Defendant states that the post and letter speak for themselves and are the
22 best evidence of their contents; to the extent the characterization in Paragraph 4.56
23 differs from this best evidence, that characterization is denied.

1 5.1 Defendant incorporates the answers set forth above as if fully set forth
2 here.

3 5.2 The allegations in Paragraph 5.2 are denied.

4 5.2.1. The allegations in Paragraph 5.2.1 are denied.

5 5.2.2. The allegations in Paragraph 5.2.2 are denied.

6 5.2.3. The allegations in Paragraph 5.2.3 are denied.

7 5.2.4. The allegations in Paragraph 5.2.4 are denied.

8 5.2.5. The allegations in Paragraph 5.2.5 are denied.

9 5.2.6. The allegations in Paragraph 5.2.6 are denied.

10 5.2.7. The allegations in Paragraph 5.2.7 are denied.

11 5.3. The allegations in Paragraph 5.3 are denied.

12 5.4. The allegations in Paragraph 5.4 are denied.

13 5.5. The allegations in Paragraph 5.5 are denied.

14 5.6. The allegations in Paragraph 5.6 are admitted.

15 5.7. Defendant admits that Plaintiff and Defendant have a present and
16 ongoing dispute. Defendant denies that Plaintiff is entitled to, or that this Court may
17 grant, the relief sought.

18 5.8. Defendants have removed this case to the U.S. District Court for the
19 Eastern District of Washington. Defendant does not contest the Court's jurisdiction
20 to hear the claim Plaintiff brings against Defendant but denies that Plaintiff is entitled
21 to, or that this Court may grant, the relief sought. Defendant denies that Plaintiff can
22 seek relief against the Sheriff's Office.

23 5.9. The allegations in Paragraph 5.9 are denied.

1 5.10. The allegations in Paragraph 5.10 are denied.

2 5.11. Plaintiff is not entitled to any remedy to challenge Defendants' actions.

3 6.1 The allegations in Paragraph 6.1 consist of a prayer for relief that does
4 not require a response. To the extent a response is required, Defendant denies that
5 Plaintiff is entitled to, or that this Court may grant, the relief requested.

6 6.2 The allegations in Paragraph 6.2 consist of a prayer for relief that does
7 not require a response. To the extent a response is required, Defendant denies that
8 Plaintiff is entitled to, or that this Court may grant, the relief requested.

9 6.3 The allegations in Paragraph 6.3 consist of a prayer for relief that does
10 not require a response. To the extent a response is required, Defendant denies that
11 Plaintiff is entitled to, or that this Court may grant, the relief requested.

12 6.4 The allegations in Paragraph 6.4 consist of a prayer for relief that does
13 not require a response. To the extent a response is required, Defendant denies that
14 Plaintiff is entitled to, or that this Court may grant, the relief requested.

15 Defendant denies each and every allegation not expressly admitted herein.

16 **First Affirmative Defense**

17 Plaintiff's Complaint, in whole or in part, fails to state a claim upon which
18 relief can be granted and should be dismissed.

19 **Second Affirmative Defense**

20 Plaintiff will not prevail on the merits of its claim.

21 **Third Affirmative Defense**

22 The Keep Washington Working Act violates the Supremacy Clause.
23

Fourth Affirmative Defense

The Keep Washington Working Act is conflict preempted by federal law, including by the Immigration and Nationality Act.

Fifth Affirmative Defense

The Keep Washington Working Act unlawfully regulates the federal government and thus violates intergovernmental immunity.

Sixth Affirmative Defense

The Keep Washington Working Act unlawfully discriminates against the federal government and thus violates intergovernmental immunity.

Seventh Affirmative Defense

The Keep Washington Working Act is expressly preempted by federal law, including by 8 U.S.C. § 1373.

Eighth Affirmative Defense

The Keep Washington Working Act is conflict preempted by federal criminal laws, including 8 U.S.C. § 1324; 18 U.S.C. §§ 371-72; and 18 U.S.C. § 1512.

Ninth Affirmative Defense

The Keep Washington Working Act is field preempted by federal immigration law.

Tenth Affirmative Defense

The equities do not favor injunctive or declaratory relief.

Reservation of Defenses

Defendant presently has insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet, unstated affirmative defenses available. Defendant reserves the right to assert additional defenses in this action in the event that discovery or other developments indicate that they would be appropriate.

WHEREFORE, Defendant respectfully requests that this Court dismiss Plaintiff's claim with prejudice, deny Plaintiff's prayer for relief, and grant other relief deemed just and proper.

///

///

April 3, 2025.

ARD LAW GROUP PLLC

By:



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CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2025, I electronically served the foregoing Answer in *WASHINGTON V. ADAMS COUNTY*, No. 2:25-cv-00099-RLP (E.D. Wash.) via email pursuant to prior consent of the parties.

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